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1 UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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3 Charles Everett Cook, Sylvia Mae Cook,
and Timothy Blake Cook, natural persons,

4 Plaintiffs,

5 vs Court File 06-0022

6 City of Minneapolis, a municipal entity;
Minneapolis Police Officer Mark Johnson, Badge
7 #003459, in his individual, personal and official
capacity, Sgt. D. Smulski, in his individual,
8 personal and official capacity; Officer K. Blackwell,
in his individual, personal and official capacity;
9 Officer Geoffrey Toscano, Badge #007257, in his
individual, personal and official capacity; Officer
10 Bevsn Blauert, Badge #003459 in his individual,
personal and official capacity; Officer Jon Petron,
11 Badge #4671, in his individual, personal and official
capacity; Officer Christopher House, Badge #3165, in

his

Robert

#4959, in

Officer

personal

in

Officer

personal and

in

Officer

personal

Richard

their

12 individual, personal and official capacity; Sgt.

13 Kroll, Badge #003874, in his individual, personal and
official capacity; Officer Christie Nelson, Badge

her individual, personal and official capacity;

14 William Willner, Badge #7783, in his individual,

and official capacity; Officer Westlund, Badge #7674,

15 his individual, personal and official capacity;

Roger Smith, Badge #006689, in his individual,

16 official capacity; Officer Jason King, Badge #003704,

his individual, personal and official capacity;

17 Timothy Hands, Badge #002660, in his individual,

and official capacity; and Officer Jane Doe and

18 Roe, unknown, unnamed officers of the Minneapolis, in

personal, individual

19 and official capacity;

20 Defendants.

- -

Rules
on the
Notary

21 Whereupon, the following deposition was taken of
JONATHAN PETRON, pursuant to Notice, according to the
22 of Civil Procedure for the State of Minnesota, taken
13th day of February, 2007 before Lorie M. Jensen,
23 Public, Washington County, Minnesota.

24

25

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1 APPEARANCES:

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Law, 301

3 Albert T. Goins, Attorney at Law, Goins Petry

4 Fourth Avenue South, 378 Grain Exchange Building,

and

5 Minneapolis, Minnesota 55415, appearing as Counsel for

6 on behalf of the Plaintiffs;

7

Attorney's

8 Tracy Nelson, Assistant City Attorney, City

9 Office, 333 South 7th Street, Suite 300, Minneapolis,

behalf of

10 Minnesota 55402, appearing as Counsel for and on

11 the Defendants.

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4 EXAMINATION BY:

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6 Mr. Goins 4

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10 EXHIBITS:

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12 Petron Deposition Exhibit

13 Number 1 - Page 11

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15 OBJECTIONS:

16 BY MS. NELSON: Page 9

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and

1 Whereupon, the following proceedings were duly held

2 made a part of the record, as follows, to-wit:

3 JONATHAN PETRON,

4 having been first duly sworn, was examined,

5 and testified, under oath, as follows:

6 EXAMINATION:

7 BY MR. GOINS:

8 Q. Officer Petron, you understand you're here for
9 deposition today, correct?

10 A. That's correct.

11 Q. My name is Albert Goins, I represent the
plaintiffs
12 the Cook family and you're a named defendant in
this
13 case, are you aware of that?

14 A. Yes.

15 Q. What documents have you reviewed in preparation
for
16 your deposition?

17 A. I reviewed my police report, my supplement as
well as
18 the other supplements written by the other
officers.

19 Q. And who were they?

20 A. Well, I would have to take a look at my report if
you
21 could allow me to.

22 Q. Do you remember who they are?

23 A. I remember some of them.

24 Q. Tell me the ones you remember?

25 A. Sergeant Smulski, Sergeant Kroll, Bevan Blauert,
Mark

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1 Johnson, and that's all I can really recall.

2 Q. That's fine. Did you look at your own report?

3 A. Yes, I did.

4 Q. Any other documents showed to you by your
counsel?

5 A. No.

6 Q. I'm sorry?

7 A. No.

8 Q. Okay. You talk to anybody else other than your
9 counsel about this deposition?

10 A. No.

11 Q. Did I ask you if you've had your deposition taken
in

12 the past?

13 A. No, you haven't.

14 Q. Have you?

15 A. No.

16 Q. Have you ever been the subject of a lawsuit
before?

17 A. No.

18 Q. Have you testified in court in the past?

19 A. Yes.

20 Q. How many times do you think you've testified in
court?

21 A. Maybe approximately eight times.

22 Q. What kind of cases?

23 A. Traffic cases, trespassing cases, theft cases.

24 Q. That it?

25 A. That's all I can think of right now.

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remember
to a
report
that's
on.
that it
rules
recollection,
of

1 Q. On this date of January 13th, 2005, do you
2 making an entry at 3845 2nd Avenue South pursuant
3 search warrant?
4 A. Yes. It would be nice if I could review the
5 though, can I have a copy of it in front of me?
6 Q. No, no, not unless you need to refresh your
7 recollection about a specific question.
8 A. I want to make sure if you mention an address
9 the address the one that the warrant was executed
10 Q. Do you have any reason to dispute or question
11 was 3845 2nd Avenue South?
12 A. No, none. I just want to be accurate.
13 Q. Here's how we'll do this because that's what the
14 provide for, if you need to refresh your
15 you can refer to your report. Do you have a copy
16 it with you?
17 A. No, I don't.
18 Q. We'll get to that point and we'll confirm that

before

- 19 we conclude. Tell me your full name again?
- 20 A. Jonathan Jacob Petron.
- 21 Q. So it's pronounced Petron?
- 22 A. Petron, yes, sir.
- 23 Q. Tell me a little bit about your background?
- 24 A. I worked as a police officer for the City of
- 25 Minneapolis for a little over eight years.

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- 1 Q. Where is your education from?
- Alexandria 2 A. Graduating from Minnetonka High School,
- 3 Technical College, graduated in '97 with a two
- year 4 degree in law enforcement and was hired in '98 by
- the 5 City of Minneapolis.
- 6 Q. I assume you've got your post certification?
- 7 A. Yes, I do.
- 8 Q. Have you ever lost your post certification?
- 9 A. No, I have not.
- you've 10 Q. Have you ever received any discipline while
- 11 been with the Minneapolis Police Department?
- 12 A. No, I have not.

13 Q. Do you know if there was an Internal Affairs
14 investigation with respect to this incident
involving
15 the entry at 3845 2nd Avenue South on or about
January
16 13th, 2005?
17 A. I don't recall if there was or not was not.
18 Q. Do you remember what your role was with respect
to
19 this entry at this residence assuming that is the
20 correct address?
21 A. Yes.
22 Q. What was your role?
23 A. My role was a perimeter officer. We stood by as
the
24 entry team entered the residence.
25 Q. So you were not part of the entry team, is that

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8

1 correct?
2 A. Correct.
3 Q. You were working with the CRT team under Sergeant
4 Smulski's direction?
5 A. You're right.
6 Q. Tell me a couple of background things and we'll
7 probably get this over pretty quickly. Were you
at

8 the briefing for the search warrant?

9 A. Yes, I was.

10 Q. What do you remember about the briefing?

11 A. I remember that the search warrant was in regards
to a

12 robber, a potential robber could be residing at
the

13 address and that this potential robber has been
armed

14 in past incidents so it was considered a high
risk

15 entry being there were possible guns involved.

16 Q. Who gave you that information, please?

17 A. Sergeant Smulski I believe.

18 Q. Do you remember anybody else at the briefing
giving

19 you specific information?

20 A. I just don't recall it's been two years.

21 Q. Sure.

22 A. I've done lots of warrants since then so.

23 Q. Now who have you done lots of warrants with the
entry

24 team or part of the CRT team?

25 A. Part of the CRT team. I was at this point in
time I

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1 was with the 3rd Precinct.

2 Q. Where are you now?

3 A. I'm in the 5th Precinct in a similar role.

4 Q. Why did you change, if you know?

5 A. No specific reason other than I wanted to go to
the

6 5th Precinct. I grew up in St. Louis Park and it
was

7 familiar to me.

8 Q. It's familiar with that part of Minneapolis,
southwest

9 Minneapolis, is that right?

10 A. Yes.

11 Q. How long do you think it took the entry officers
to

12 secure the scene before the CRT team went in?

13 MS. NELSON: I'll object,
speculation.

14 MR. GOINS: I don't think it's
15 speculation.

16 Mr. Goins (Continuing)

17 Q. You were there at the scene at 3845 2nd Avenue
South,

18 correct, on January 13th, 2005, right?

19 A. Yes.

20 Q. And you were part of the CRT team, right?

21 A. Yes.

22 Q. You weren't part of the entry team, right?

23 A. Correct.

24 Q. Who was in charge of the entry team?

25 A. Sergeant Kroll.

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1 Q. Who went in first?

2 A. The entry team.

3 Q. And you were at the rear perimeter, correct?

4 A. Correct.

5 Q. You waited until they called clear or clear of
the scene, correct?

6 A. Correct.

7 Q. How long did it take them to call clear after
they went in?

8 A. Well, would you like me to guess?

9 Q. No, I want you to estimate or tell me if you
know?

10 A. Is that something you would like me to answer?

11 MR. GOINS: She doesn't get the
choice.

12 She can raise an objection or not. The question
13 stands.

14 MS. NELSON: Can you just
instruct,

15 counsel, that I am not allowed to offer -- I

16 understand you probably did but I am not allowed
to

17 counsel or provide any answers.

18 MR. GOINS: Yeah. She can't give

you

21 --

would

22 THE WITNESS: No, problem. I

would

23 guesstimate that it was longer than typical, I

24 say maybe four to five minutes.

25 MR. GOINS: Thank you.

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Exhibit

1 (Whereupon, Petron Deposition

Court

2 Number 1 was marked for identification by the

3 Reporter).

4 Mr. Goins (Continuing)

5 Q. Showing you what's been marked as your Deposition

6 Exhibit 1, do you recognize that document?

7 A. Yes, I do recognize that as my document.

8 Q. Okay. What is that, please, sir?

9 A. This is my supplement, my report that I typed.

10 Q. Okay.

11 A. In regards to this incident.

as to

12 Q. Okay. Does that help refresh your recollection

house

13 the time period that the entry team was in the

14 before the CRT team went in?

15 A. It doesn't allow me to tell you exactly how long
it
16 took but it does say that 1208 which is the entry
team
17 entered inside the home.

18 Q. Do you remember what time 1280 went inside the
house?

19 A. No, I don't.

20 Q. Would that have been called out to MDT or to main
21 dispatch?

22 A. Generally yes, it is.

23 Q. How is that done, if you know, in general?

24 A. Generally the -- one of the supervisors will
inform
25 dispatch of what our intentions are.

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1 Q. And then does --

2 A. While in route or prior to leaving the precinct.

3 Q. Okay. But the actual time that the entry is
done, is
4 that ever called out?

5 A. Generally that's not called out.

6 Q. Do you know of any reason why Sergeant Smulski
would
7 be able to say in his report at 2237 hours entry
was

8 made into the single family dwelling?

9 A. Can you repeat the question?

10 Q. Sure. Do you know of any reason why Sergeant
Smulski
11 was able to stay in his report Supplement Number
1, at
12 2237 hours, entry was made into the single family
13 dwelling?

14 A. Okay. One more time, I'm sorry.

15 Q. Sure. That's no problem. On his Supplement
Number 1
16 I'll represent to you that Sergeant Smulski in a
17 report that he did with Officer Kate Blackwell
wrote,
18 at 2237 hours entry was made into the single
family
19 dwelling. Do you have any reason to know why he
would
20 have been able to pinpoint the time?

21 A. No, I don't.

22 Q. Do you have any reason to dispute that Sergeant
23 Smulski could pinpoint the time?

24 A. No, I don't.

25 Q. Did you hear any sounds as you waited to make
your

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you 1 entry while the ERU team was on the inside, could

2 hear any sounds, voices, screaming, gunshots,

3 anything?

4 A. No.

you 5 Q. Did you hear -- when you entered, which way did

6 enter into the residence?

7 A. I recall I believe I entered in the front door.

the 8 Q. Did you see anything in specific when you entered

9 front door?

I 10 A. I seen several people inside the living room when

11 entered inside. And I simply moved on to the

12 upstairs.

13 Q. Why did you do that?

searching 14 A. I was instructed to go upstairs and start

15 one of the bedrooms.

16 Q. Who instructed you to do that, Officer Petron?

17 A. I don't recall who instructed me.

to 18 Q. Okay. What were you searching for when you went

19 the upstairs bedroom?

purses 20 A. Anything related to a robbery such as a gun, or

21 or IDs.

looking 22 Q. And did you know what kind of IDs you were

23 for?

they 24 A. Basically IDs that will lead us to believe that

more 25 were stolen. I mean, I don't know how I can be

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suspect. 1 specific. The entry was based upon a robbery

kinds 2 Q. Did you have any specific information as to the

warrant 3 of things that the officers who had the search

general? 4 thought were stolen other than just IDs in

question we 5 A. Nothing specific. I guess to answer your

6 were primarily looking for guns.

7 Q. Did you find any?

8 A. I did not.

9 Q. Do you know if any other officers found any?

10 A. I don't know.

interested 11 Q. Did you find any individuals who you were

robbery? 12 in with respect to this robbery or alleged

13 A. Yes.

14 Q. Who did you find?

bedroom 15 A. I believe the two people that were up in the

know. 16 that I went to may have been involved, I don't

17 Q. Who told you they may have been?

18 A. Nobody told me. They were in handcuffs.

19 Q. And they were in handcuffs when you got upstairs?

20 A. Yes, if I remember correctly. To be honest with

you,

21 I was having a hard time remembering if there was

22 anybody in that bedroom but looking at my report,

it

23 is indicating that there was two people in the

bedroom

24 so that would be accurate, my supplement.

25 Q. And in your supplement you say, I searched the

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1 southeast bedroom on the upper main level and

2 maintained contact with C. Cook and J. Cook who

were

3 both handcuffed and seated on the bed while

officers

4 processed the scene. Do you know who C. Cook

was?

5 A. At this time, I don't, no, I don't.

6 Q. How about J. Cook, do you know that full name?

7 A. No, I don't.

8 Q. I was advised by Sergeant Smulski to transport

T.B.

9 Cook to HCJ along with Officer Johnson, do you

know

10 who T.B. Cook was?

11 A. He was the person that was taken to jail for

12 obstruction.

13 Q. Did Sergeant Smulski tell you that he had
observed him

14 obstructing?

15 A. No, Sergeant Smulski told me to -- no to answer
your

16 question.

17 Q. What did he tell you?

18 A. He told me to go with Officer Johnson and
transport

19 T.B. Cook to jail.

20 Q. So that was possibly Timothy Cook?

21 A. I don't know.

22 Q. Can you describe the individual you transported?

23 A. I would say he was approximately six feet tall,
24 definitely over 200 pounds.

25 Q. What was his race?

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1 A. A black male.

2 Q. Which Officer Johnson, that wasn't Bruce -- was
it

3 Bruce Johnson, Mark Johnson?

4 A. I believe it was Mark Johnson.

5 Q. Did Mr. Cook say anything to you when you
transported
6 him?
7 A. He said that he was going to sue us.
8 Q. Why did he tell you that, do you know?
9 A. No, I don't.
10 Q. Did you do anything that you thought was
excessive to
11 Mr. Cook?
12 A. No.
13 Q. When did Officer Smulski or I'm sorry, Sergeant
14 Smulski tell you to transport Mr. Cook, T.B. Cook
to
15 HCJ which is Hennepin County Jail, was that after
you
16 came downstairs?
17 A. Yes, after I came downstairs, after I had
searched the
18 bedroom.
19 Q. Go ahead, finish, I'm sorry.
20 A. We had been there awhile and it was my impression
that
21 things were kind of winding down when he asked me
to
22 assist Officer Johnson in transporting T.B. Cook
to
23 HCJ.
24 Q. By the way, was it when you came back downstairs
25 Mr. T.B. Cook was handcuffed, right?

17

1 A. Yes.

2 Q. Was he lying on the ground?

3 A. I believe he was standing by the front door.

4 Q. He was sort of already in custody at that point?

5 A. Yes, he was in custody.

in
6 Q. Did you hear anyone use profanities when you went
7 the house?

times
8 A. I can't think of any specific instances. Often
9 it's used.

this
10 Q. I'm not talking often times, I want to talk about
11 time?

12 A. I can't think of a specific time.

the
13 Q. Did you have your handgun drawn when you went in
14 house?

15 A. No.

weapon?
16 Q. You don't recall ever having -- drawing your

17 A. No, I did not.

weapons
18 Q. Okay. Did you see other officers with their
19 drawn?

20 A. No.

21 Q. Sergeant Kroll?

22 A. No.

23 Q. Did you even see Sergeant Kroll with a weapon?

24 A. I don't recall seeing Sergeant Kroll a weapon.

25 Q. Did you see him at all that day?

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18

1 A. Yes.

2 Q. How about Officer Hanks, did you see him with a
3 weapon?

4 A. Not inside the address, no.

5 Q. Outside before the entry went in, were you able
to
6 observe those officers?

7 A. Yes, I don't recall them carrying weapons I guess
to
8 answer your question.

9 Q. Do you know who Officer Roger Smith is, he's a
pretty
10 big officer, right?

11 A. Roger Smith, yeah, he's good size, yes.

12 Q. Did you see him with a weapon?

13 A. I don't recall anyone with weapons. We were -- I
was

14 a perimeter officer, of course, the people I was
with

15 in the back yard had weapons but as far as the
entry

16 team goes, I don't recall seeing them go in, I
don't

gun 17 recall watching observing them hold anybody at
went 18 point because the scene was secure by the time I
19 in the house.
lying on 20 Q. When you got in the house, did you see people
of 21 the floor, were they seated or cuffed? We kind
we'll 22 went over this, I want to get that clear and
23 probably be done.
believe one 24 A. I saw people sitting in the living room, I
25 person was on the floor. People were all sitting

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19

1 handcuffed.
2 Q. Anybody resisting that you could see?
3 A. Not that I could see, no.
see? 4 Q. Okay. Anybody being uncooperative that you could
5 A. Not that I could see, no.
6 MR. GOINS: Thank you very much.
7 Thanks.
8 MS. NELSON: We'll read and sign.
9
10

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VERIFICATION

3

certify

I, Jonathan Petron, the undersigned, do hereby

4

true and

that the foregoing deposition of my testimony is a

5

correct reproduction of same, except for the following

6

changes if any, stating the page and line number of

said

7 change; also stating the reason.

8	Page	Line	Change	Reason
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22	Jonathan Petron		Date	
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23	_____			
----	-------	--	--	--

24	WITNESS MY HAND AND SEAL this _____ day of			
----	--	--	--	--

25	2007.			
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1
2 STATE OF MINNESOTA)
3)
4 COUNTY OF WASHINGTON)
5 I, Lorie M. Jensen, Notary Public, Washington
County,
6 Minnesota, took the foregoing deposition of JONATHAN
7 PETRON, that the witness was by me first duly sworn;
8 That the testimony was transcribed under my
direction
9 and is a true record of the testimony of the witness;
10 That the cost of the original has been charged to
the
11 party who noticed the deposition, and that all parties
who
12 ordered copies have been charged at the same rate for
such
13 copies;
14 That I am not a relative or employee or attorney
or
15 counsel of any of the parties, or a relative or
employee of
16 such attorney or counsel;
17 That I am not financially interested in the
action and
18 have no contract with the parties, attorneys, or
person
19 with an interest in the action that affects or has a
20 substantial tendency to affect my impartiality.

21 Dated this 19th day of February, 2007.

22

Public

23 Lorie M. Jensen, Notary

24 Washington County, Minnesota

25

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